

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WAWA, INC., a corporation of  
the State of New Jersey,

Plaintiff,

V.

THE GOVERNMENT OF  
NEW CASTLE COUNTY,  
DELAWARE, a political subdivision  
of the State of Delaware,

Defendant.

C.A. No. 04-322-KAJ

## ORDER

Defendant Government of New Castle County having moved for Summary Judgment pursuant to Federal Rule of Civil Procedure 56(b), and the Court having reviewed the papers filed in this matter,

IT IS HEREBY ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2005, that Defendant New Castle County's Motion for Summary Judgment is granted and the Complaint against it is dismissed with prejudice.

IT IS SO ORDERED

U.S.D.C.J.

NEW CASTLE COUNTY LAW

/s/ Brian J. Merritt  
Brian J. Merritt (#3982)  
Assistant County Attorney  
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302-395-5130

Dated: March 16, 2005